

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**MARK R. KELLEY,**

**Defendant.**

**No. 13-cr-30228-DRH**

**MEMORANDUM & ORDER**

**HERNDON, Chief Judge:**

This matter was referred to United States Magistrate Judge Donald G. Wilkerson for the specific purpose of conducting a change of plea for defendant Mark R. Kelley, pursuant to 28 U.S.C. § 636, Local Rule 72.1(b)(2) and defendant Kelley (Doc. 18). Pursuant to Federal Rule of Criminal Procedure 11, the change of plea hearing was held on January 2, 2014 (Doc. 17). During the change of plea, defendant Kelley pled guilty to Count 1 of the Indictment following a thorough colloquy with Judge Wilkerson. Thereafter, Judge Wilkerson issued a Report and Recommendation ("the Report") recommending that the Court accept defendant Kelley's plea of guilty (Doc. 20).

In accordance with 28 U.S.C. § 636(b)(1)(B), the parties were allowed fourteen days to file written objections. As of this date, neither party has filed an objection. Therefore, the Court **ADOPTS** the Report in its entirety. Thus, based on the record in the case, the recommendation of the Magistrate Judge, the

consent of the defendant to plead before the magistrate without subsequent objection, it is the finding of the Court in the case of *United States v. Mark R. Kelley*, that defendant Kelley was fully competent and capable of entering an informed plea, that defendant Kelley was aware of the nature of the charges and the consequences of the plea, and that the plea of guilty was a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. Accordingly, the Court **ACCEPTS** the guilty plea and **ADJUDGES** defendant Mark R. Kelley **GUILTY** on the charge in the Indictment. The Court **REMINDS** the parties that this matter is set for sentencing on May 2, 2014, at 2:30 p.m.

**IT IS SO ORDERED.**

Signed this 22<sup>nd</sup> day of January, 2014.

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David R. Herndon  
Date: 2014.01.22  
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**Chief Judge**  
**United States District Court**